IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 151 OF 2007

IN

CHAMBER SUMMONS NO. 1463 OF 2006

IN

SHORT CAUSE SUIT NO. 6647 OF 2002

WITH

CIVIL APPLICATION NO. 223 OF 2007

Dinoo Dara Daruvala & Ors. .... Appellants
Vs.
Miss Pillo Dadabhoy Broacha .... Respondents
& Ors.

Mr. Sachin V. Masurkar for the Appellants.
Mr. S.N. Vaishanawa, for the Respondents

CORAM : SHRI. A.M. KHANWILKAR, J.,
DATE : 2ND MARCH, 2007
P.C.

1) This appeal from order is directed against the order passed by the trial Court on the application for amendment which order is not amenable to the provisions of Order 43 of C.P.C. Hence, the same will have to be dismissed as not maintainable.

2) At this stage, counsel for the appellants seeks permission to withdraw this appeal with liberty to take out appropriate proceeding.

Accordingly, appeal is dismissed as withdrawn with liberty to the appellants to take appropriate proceeding as permissible by law.

3) In view of above order, Civil Application stands disposed of.

(A.M. KHANWILKAR, J.)